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C O N F I D E N T I A L SECTION 01 OF 03 MEXICO 000544

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SUBJECT: THE BRADLEY WILL CASE, AND OAXACA ITSELF, STILL
PENDING

REF: A. A: 2005 MEXICO 7067

[1](#)B. B: MEXICO 230

Classified By: MINISTER COUNSELOR FOR POLITICAL AFFAIRS CHARLES V. BARC
LAY FOR REASONS 1.4 (B,D)

[1](#)1. (SBU) SUMMARY. While the streets of Oaxaca have been quiet recently, the crisis lingers on, with many underlying issues remaining unresolved. Despite consistent post pressure on both the state and federal government, the Bradley Will case remains an open investigation, with no one yet charged with the crime. While the federal authorities have decided to review the state's evidence, the state authorities have not been relieved of their responsibility to prosecute the case. Post will continue to press the state government for resolution as well as request the federal government to assume a more assertive role in the investigation, including during an upcoming visit to the state by emboffs.

[1](#)2. (SBU) While the prolonged crisis in Oaxaca (see reftel A) does not appear over, the state capital has been quiet recently, even if many of the underlying issues of the crisis remain unresolved. Negotiations between the government and the Popular Assembly for the People of Oaxaca (APPO) have not resumed. The realization of APPO's central demand, the resignation of Governor Ulises Ruiz, appears less likely now than during the height of the crisis. The federal police (PFP) continue to operate in the city in small numbers, but far below the force levels of November. Most policing is now conducted by Oaxaca state elements.

[1](#)3. (SBU) There have been recent marches in Oaxaca demanding the release of protesters detained last year, including APPO leader Flavio Sosa, and there have also been a handful of recent arrests. Most of the 141 detainees arrested on November 25 and initially detained in the state of Nayarit were released, with the remaining ones transferred to the state-run jails in Oaxaca. According to February 1 media reports, the last 28 of these detainees will be released imminently, though approximately 60 others with links to APPO remain in jail.

[1](#)4. (SBU) The Mexican National Commission on Human Rights (CNDH) wrote a preliminary report on Oaxaca, dated December 18, which effectively asserted its authority over the human rights situation there, and described the complexity of the case. Between June 2 and year's end, CNDH reported receiving more than 1,200 complaints of human rights violations in Oaxaca, including torture, homicide and disappearances; drawing on a file of over 14,000 pages, CNDH determined that 11 people died as a direct result of the conflict. A more complete report is expected soon. Concerning those arrested on November 25, CNDH reported that it had interviewed and

given medical checks to all detainees in Nayarit. CNDH examined some detainees according to the guidelines of the Istanbul Protocol to identify whether they had been tortured, and CNDH is investigating other allegations of torture. As for the Will case, the CNDH has relayed to the embassy its interest in examining the Will family's records relating to the case, such as any autopsy reports prepared in the United States. The Consul General passed this request to the Will family. Meanwhile, in a January 19 conference call, the Will family told the Consular Section that it had hired a Mexican attorney to represent them here.

15. (SBU) Although the PFP raided the Oaxaca state police headquarters on December 7 and confiscated more than 340 guns to investigate whether any had been used by state forces against protesters, no conclusion of the investigation has been reported to date.

16. (SBU) Post revised its public announcement on Oaxaca on January 18. While noting that the city remains unsettled, the announcement recommended that citizens exercise "caution" when traveling to the state. The previous public announcement, dated November 15, recommended that US citizens "avoid travel" there.

17. (C) While little movement has occurred on the investigation into the killing of Bradley Will, we continue to press the issue in high level meetings with GOM officials.

On January 11, Attorney General Gonzales raised the Will investigation during his meeting with Mexican Attorney General Eduardo Medina Mora (see reftel B). Medina Mora explained that the PGR would review all the evidence in the state investigation and reach its own conclusion. Medina Mora noted the federal government's interest in reviewing

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autopsy reports and analyses prepared for the Will family in the United States, a request that the Consul General passed on to the Will family. The PGR review does not relieve the state of its responsibility to prosecute the case.

18. (C) On January 17, in a meeting with newly appointed Secretary of Foreign Relations Patricia Espinosa, the

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Ambassador raised the Will case and also expressed concern about Oaxaca's outstanding political issues, encouraging more federal involvement.

19. (SBU) On January 22, in an unrelated meeting with Oaxaca Governor Ulises Ruiz and officials from the state attorney general's office to discuss legal reform efforts in the state, the USAID Director inquired about the Will case and the government's lack of accountability regarding criminal allegations and reported human rights violations. Ruiz responded by expressing his desire to resolve the Will case and other outstanding human rights cases, noting that they reflected badly on the state.

10. (SBU) On January 24, Legatt met with the Assistant Attorney General for International Affairs Jose Luis Santiago Vasconcelos and reiterated the offer of USG assistance in investigating the Will case. Legatt also requested information on the results of the GOM investigation into the state police guns that were seized by the PFP on December 7, but Vasconcelos did not make a commitment to look into the issue.

11. (SBU) At the end of January, post received a letter dated January 16 from the state attorney general's office in reply to the Consul General's request for an update on the status of the Will investigation (via letters dated November 1 and January 10). The letter cited a list of actions, though perfunctory, taken by the state, such as a ballistics report, autopsy, and a collection of video footage of the event. It also referred to the two suspects who had been

arrested on November 1 in connection with the killing, and who were freed shortly thereafter, allegedly due to a lack of evidence to press charges. (NOTE: The suspects were initially detained because they were photographed in the vicinity of the crime scene, were armed and reportedly fired their weapons. The suspects were released based on alleged "distance and trajectory" evidence -- derived from a review of the event that included video footage -- which state authorities assert indicated the deceased was shot by a person at a range much closer to the victim. End note.)

¶12. (C) On January 31, SRE Director for Human Rights Rodrigo Labardini reported to Political Minister Counselor (MCPA) about his own recent visit to Oaxaca. Labardini said he had spoken with the governor's cabinet about Mexico's international human rights obligations, which require the state government to prosecute violations of human rights regardless of the political context in which they occur. While Labardini encountered some resistance from state cabinet members -- in particular, their insistence that APPO bore all responsibility for the lengthy crisis -- he told MCPA that he believed his message had an impact on Governor Ruiz's administration.

¶13. (SBU) On February 7-9, emboffs will travel to Oaxaca, where they plan to meet with Governor Ruiz, the state attorney general, and other state officials, to further reiterate our interest in the Will case, and to assess the current political climate there. Post will report our findings septel.

¶14. (C) COMMENT. While some semblance of order has returned to Oaxaca city and the state government now functions relatively normally, there is little reason to believe that the state attorney general's office will make any tangible progress in the near future in investigating the Will case or other complaints of human rights violations. The repeated and high level expressions of concern by USG officials, however, appear to have resonated with the federal government, though to date it has resisted becoming fully involved. While post will further pressure the state government to resolve this case, we will continue dialogue with the federal government to act more assertively. From a longer term perspective, the small but encouraging role played by Labardini to direct state authorities towards meeting Mexico's international human rights obligations is an unusual sign of the federal government's engagement to cultivate better governance on the state level.

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